

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No.1:11-CR-55
	§	(Hon. District Judge Ron Clark)
DAVID GLENN MANUEL	§	

**ELEMENTS OF THE OFFENSE**

The Defendant is charged in Count One of the indictment with violating Title 18, United States Code, Sections 2113(a), bank robbery. For the defendant to be found guilty of this crime, the government must prove the following essential elements to the trier of facts, beyond a reasonable doubt:

*First:* That the defendant intentionally took from the person or presence of another, money;

*Second:* That the money belonged to or was in the care, custody, control, management possession of a federally insured bank at the time of the taking; and,

*Third:* That the defendant took the money by means of force and violence, or by means of intimidation.

A "federally insured bank" means any bank with deposits insured by the Federal Deposit Insurance Corporation.

To take "by means of intimidation" is to say or do something in such a way that a person of ordinary sensibilities would be fearful of bodily harm. It is not necessary to prove that the alleged victim was actually frightened, and neither is it necessary to show

that the behavior of the defendant was so violent that it was likely to cause terror, panic, or hysteria. However, a taking would not be by "means of intimidation" if the fear, if any, resulted from the alleged victim's own timidity rather than some intimidating conduct on the part of the defendant. The essence of the offense is the taking of money or property accompanied by intentional, intimidating behavior on the part of the defendant.

Respectfully submitted,

JOHN M. BALES  
UNITED STATES ATTORNEY

/s/ Randall L. Fluke  
RANDALL L. FLUKE  
ASSISTANT U.S. ATTORNEY  
Texas Bar No. 07188430  
350 Magnolia, Suite 150  
Beaumont, TX 77701  
(409)839-2538

CERTIFICATE OF SERVICE

I hereby certify that a copy of these Elements of the Offense was delivered to counsel for the Defendant, Gary Bonneaux on the date of the electronic filing of same, pursuant to the local Rule of this Court via electronic filing.

/s/ Randall L. Fluke

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RANDALL L. FLUKE  
ASSISTANT UNITED STATES ATTORNEY